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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,194

09/21/2005

Nils-Gunnar Lonneborg

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER

DURAND, PAUL R

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,194	<b>Applicant(s)</b> LONNEBORG, NILS-GUNNAR	
	<b>Examiner</b> PAUL R. DURAND	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-28 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,13,15,29,30,34-40 and 42 is/are rejected.
- 7) ☒ Claim(s) 3-6,9-12,14,31-33,41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/21/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, 8, 13, 15, 29, 30, 36-39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voisin (US 6,393,977) in view of Ting et al. (US 2002/0192109).

In claims 1, 29 and 42, Voisin discloses the invention as claimed including an isostatic press for high pressure treatment of a product (in this instance shellfish) comprising a pressure chamber (either 30 or 50), adapted to contain a first pressure medium, a container which is placed in the pressure chamber and which is adapted to hold the product and a second pressure medium, with low adiabatic properties (product placed in container at atmosphere pressure), provided with a pressure transfer means (generally the permeability of the bag, see col.7, lines 50-60) for transfer pressure from the first pressure medium to the second pressure medium (see figures 1-3 and col. 6, line 24 – col. 8, line 26).

What Voisin does not disclose is the use of a container having a low adiabatic heat emission and a container which can isolate the container pressure from the surrounding area. However, Ting teaches that it is old and well known in the art to provide a container, which can be placed inside a pressure vessel 26 and having low

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adiabatic insulation properties for low temperature pressure treatment (which can include 0 degree water) for the purpose of pressure treating a product without undue heating (see figures 1, 2, para. 0016-0019 and 0029-0031).

Therefore, it would have been obvious to one having ordinary skill in the art to have provided the invention of Voisin with the container and treatment means as taught by Ting for the purpose of pressure treating a product without undue heating

In claims 2 and 30, the modified invention of Voisin, through Ting teaches that it would have been obvious to one of ordinary skill in the art to provide body comprised of a container wall 14 (see figure 1).

In claims 7, 8, 15, 34 and 35, Voisin discloses the invention as claimed including, Placing product inside a flexible membrane such as a bag, which allows a outside pressure to enter to the inside of the container, where the chamber is pressurized with water. Alternatively, Ting teaches that it is obvious to one having ordinary skill in the art to utilize either a flexible membrane or floating piston (see Ting para. 0031).

In claims 36-39, the modified invention of Voisin, through Voisin discloses the use of a steel container, while Ting teaches the use of a polymer insulation (see Voisin figure 3 and col. 6, 42-57 and Ting figure 1 and col. 3, lines 41-49). What the modified invention of Voisin does not disclose is the specific thickness. However, the examiner asserts that it is an obvious matter of design choice to select a container and insulation thickness based on pressure and heat transfer requirements.

3. Claims 13 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voisin and Ting in view of Ekeleme et al. (US 4,543,987).

The modified invention of Voisin discloses the invention as claimed as applied to claims 1 and 29 above except for the use of a pressure relief valve. However, Ekeleme teaches that it is old and well known in the art to provide a relief valve 10, which can be attached to a container for the purpose of relieving residual pressure from a container (see figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art to have provided the modified invention of Voisin with a relief valve for the purpose of relieving pressure from a container.

#### ***Allowable Subject Matter***

4. Claims 16-28 are allowed over the cited prior art.
5. Claims 3-6, 9-12, 14, 31-33 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. DURAND whose telephone number is (571)272-4459. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL R. DURAND/  
Primary Examiner, Art Unit 3721  
September 19, 2008